

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/761,135	WALLS ET AL.	
	Examiner	Art Unit	
	Carlos Lugo	3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone interview on October 26, 2006.
2. ☒ The allowed claim(s) is/are 1-18 and 26-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on October 16, 2006.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Nykaza on October 26, 2006.
4. The application has been amended as follows:
  - Claim 1 Line 13, the phrase -wherein the handle has a first aperture and a second aperture, the adapter being adjustably connected to the handle by a fastener positioned in the first aperture to define the member first position, and the adapter being adjustably connected to the handle by the fastener positioned in the second aperture to define the member second position- has been added after the phrase "in the second position".
  - Claim 19 has been deleted.
  - Claim 26 Line 13, the phrase -wherein the handle has a first aperture and a second aperture, the adapter being adjustably connected to the handle by a fastener positioned in the first aperture to define the member first position, and the adapter being adjustably connected to the handle by the fastener positioned

in the second aperture to define the member second position- has been added after the phrase "in the second position".

- Claim 30 has been amended as -The device of claim 29 wherein the fastener is adapted to retain the member in the slot-.

***Allowable Subject Matter***

**5. Claims 1-18 and 26-31 are allowed.**

**Reasons For Allowance**

**6. The following is an examiner's statement of reasons for allowance:**

Claims 1 and 26 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the handle includes first and second apertures to adjust the adapter in first and second angular positions.

Allemann (US 4,109,494) discloses a device for operating a lock comprising a member (57) having a first position (Figure 2) in a first configuration (Figure 5) and a second different position (Figure 8) in a second configuration (Figure 7). The member has structure adapted to cooperate with the lock assembly. A handle (24) has a first position representing an unlocked position and a second position representing a locked position.

However, Allemann fails to disclose that the handle is operably and adjustably connected to the member such that the first position of the handle when the member is in the first position is the same as the first position of the handle when the member is in the second position or that the second position of the handle when the member

is in the first position is the same as the second position of the handle when the member is in the second position.

Allemann illustrates that the handle (24) is operably and adjustably connected to the member such that the first position of the handle when the member is in the first position (Figure 2) is different as the first position of the handle when the member is in the second position (Figure 8).

However, Allemann discloses that in order to change from a right hand side door assembly to a left hand side door assembly, all is necessary is to rotate the position of the bell crank 60 from the position illustrated in Figure 2 to the position illustrated in Figure 8.

The fact that the member (57) is positioned in a different position (horizontal instead of vertical, as seen in Figure 2) is a design consideration since it will not affect the rotation of the handle (24) in the opposed position. All other functions operate as usual (Col. 4 Line 60 to Col. 5 Line 12).

Therefore, it would have been obvious to one having ordinary skill in the art of latches at the time the invention was made to provide the handle in the same position when the member is at either first or second positions, since it is considered as a design consideration within the art that will not affect the latch mechanism.

Cameron (US 2,473,937) teaches that it is well known in the art to provide an adapter (14), as a separate member, connecting a member (12) with the handle (10). The adapter is adjustably connected to the handle (by rotating the adapter 180°).

However, Allemann, as modified by Cameron, fails to disclose that the first and second apertures are at the handle. Cameron teaches that the first and second apertures (30 and 32) are at the adapter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

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automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'C. Lugo', with a stylized, flowing script.

Carlos Lugo  
Patent Examiner  
Art Unit 3676

October 26, 2006.

A handwritten signature in black ink, appearing to read 'Brian E. Glessner', with a long, horizontal, sweeping line extending to the right.

BRIAN E. GLESSNER  
SUPERVISORY PATENT EXAMINER